

PETITION FOR ZONING VARIANCE 84-209-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1302.3.3.1 To permit side-yards of 9 feet in lieu of the required 25 feet and to permit an average front yard setback of 27 ft. in lieu of the required 33.5 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

This is an old subdivision with D.R. 16 zoning. The area has developed into D.R. 5.5 use and the denial of the variance would create an undue hardship on the owners/petitioners.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) Signature Address City and State
 Legal Owner(s): (Type or Print Name) Signature Address City and State
 Address for Petitioner: Charles E. Kountz, Esquire, 2201 Hammonds Ferry Road, Baltimore, Maryland 21227
 Attorney's Telephone No.: 242-0100
 Address: 63 Crain Court Apt. C-4, 760-2292, Glen Burnie, MD 21061
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted: W.T. Sadler - Surveyors, 507 Main Street, Reisterstown, MD 21136, 226-5618

ORDERED By The Zonl. Commissioner of Baltimore County, this 20th day of January, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27th day of February, 1984, at 10:30 o'clock A.M.

Call John
 Zoning Commissioner of Baltimore County.

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
 N/S Tulip Ave., 470.37' W of :
 the Centerline of Century :
 Ave. (2620 Tulip Ave.), :
 13th District : OF BALTIMORE COUNTY
 CRAIG S. CARROLL, et ux, : Case No. 84-209-A
 Petitioners :
 : : : : :
 : : : : :

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
 Phyllis Cole Friedman
 People's Counsel for Baltimore County
 Rm. 223, Court House
 Towson, MD 21204
 494-2189

Peter Max Zimmerman
 Deputy People's Counsel

I HEREBY CERTIFY that on this 7th day of February, 1984, a copy of the foregoing Entry of Appearance was mailed to Charles E. Kountz, Esquire, 2201 Hammonds Ferry Road, Baltimore, MD 21227, Attorney for Petitioners.

Phyllis Cole Friedman
 Phyllis Cole Friedman

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 13, 1984

COUNTY OFFICE BLDG.
 111 W. Chestnut Ave.
 Towson, Maryland 21204

Chairman
 Nicholas B. Commodari

MEMBERS
 Bureau of Engineering
 Department of Traffic Engineering
 State Roads Commission
 Bureau of Fire Prevention
 Health Department
 Project Planning
 Building Department
 Board of Education
 Zoning Administration
 Industrial Development

Charles E. Kountz, Esquire
 2201 Hammonds Ferry Road
 Baltimore, Maryland 21227

RE: Item NO. 142 - Case No. 84-209-A
 Petitioner - Craig S. Carroll, et ux
 Variance Petition

Dear Mr. Kountz:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari, Esq.
 NICHOLAS B. COMMODARI
 Chairman
 Zoning Plans Advisory Committee

NBC:bsc

Enclosure:

cc: W. T. Sadler
 507 Main Street
 Reisterstown, Md. 21136

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon, Zoning Commissioner
 TO: Office of Planning and Zoning Date: January 26, 1984
 FROM: Ian J. Forrest
 SUBJECT: Zoning Variance Items
 Meeting - December 13, 1983

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

- Item # 137 - S. L. M. & S. Partnership
- Item # 138 - William W. & June K. Clark
- Item # 139 - James C. Swartz
- Item # 140 - John E. & Barbara Clark
- Item # 141 - Charles H. & Lois J. Barrows
- Item # 142 - Craig S. & Patricia A. Carroll

Ian J. Forrest, Director
 BUREAU OF ENVIRONMENTAL SERVICES

LJF/eth

BALTIMORE COUNTY
 DEPARTMENT OF TRAFFIC ENGINEERING
 TOWSON, MARYLAND 21204
 494-3550

STEPHEN E. COLLINS
 DIRECTOR

January 12, 1984

Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Item No. 131, 132, 134, 137, 138, 139, 140, 141, 142 ZAC-Meeting of Dec. 13, 1983
 Property Owner:
 Location:
 Existing Zoning:
 Proposed Zoning:

Acres:
 District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 131, 132, 134, 137, 138, 139, 140, 141, and 142.

Michael S. Flanagan
 Traffic Engineering Assoc. II

MSP/ccm

BALTIMORE COUNTY
 DEPARTMENT OF PUBLIC WORKS
 TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
 DIRECTOR

January 26, 1984

Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Re: Item #142 (1983-1984)
 Property Owner: Craig S. & Patricia A. Carroll
 N/S Tulip Avenue 470.37' W. from centerline
 Century Avenue
 Acres: 50 X 125 District: 13th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Tulip Avenue, an existing public road, is proposed to be further improved in the future as a 30-foot closed section roadway on a 40-foot right-of-way.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

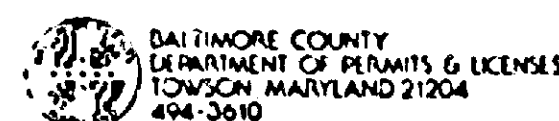
A public 12-inch water main and 12-inch public sanitary sewerage exist in Tulip Avenue.

Very truly yours,
 ROBERT A. MORTON, P.E., Chief
 Bureau of Public Services

RAM:EAM:FWR:iss

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will not adversely affect the health, safety, and general welfare of the community, the variance(s) should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



110 ZILSHI JR.
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 11.2 Zoning Advisory Committee Meeting - as follows:

Property Owner: Craig S. & Patricia Carroll
Location: N/S Tulip Avenue 470.37' W. from c/1 Century Avenue
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit sideyards of 9' in lieu of the required 25' and the total width of the lot is 50' leaving 0' for building width.

Acres: 50 x 125
District: 13th.

The items checked below are applicable:

- X A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 State of Maryland Code for the Handicapped and Aged, and other applicable Codes.
- X B. A building/ & other / permit shall be required before beginning construction.
- X C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot line. A firewall is required if construction is on the lot line, see Table 101, Line 2, Section 101F and Table 102, also Section 903.2.
- F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.
- X I. Comments - Lot lines running thru buildings violate the building code unless there is a firewall. Please remove those lines from the permit application site plans, so they are not resurrected in the future.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 102 (Plan Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles E. Kountz
Charles E. Kountz, Chief
Plan Review

CEB:es

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: 1/5/84

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of:

December 11, 1983

RE: Item No: 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, & 142.
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/1h

IN RE: PETITION ZONING VARIANCES
N/S of Tulip Avenue, 470.37' W
of the centerline of Century
Avenue (2620 Tulip Avenue) -
13th Election District
Craig S. Carroll, et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-209-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit side yard setbacks of nine feet instead of the required 25 feet and an average front yard setback of 27 feet instead of the required 33.5 feet, as more fully described on Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.16, comprises two lots, each 25 feet in width, and is presently undeveloped. The Petitioners wish to construct a home on the property. Although the area is zoned D.R.16, it has been developed with single-family homes. The envelope shown on Petitioners' Exhibit 1 provides for a home 28-feet wide with side yards of 11 feet each. The Petitioners wish to amend their petition to request side yard setbacks of 11 feet instead of the original nine feet. The proposed dwelling would be in conformance with and compatible with the surrounding neighborhood. If the variances were not granted, there would be no available space for a home.

The Petitioners also need a front yard setback of 27 feet in order to satisfy the required average front yard depths as measured from the homes adjacent to their property. These homes have been built on much larger parcels, and consequently, the homes are larger than that proposed by the Petitioners. However, the proposed dwelling would enhance the neighborhood and enable the area to

ORDER RECEIVED FOR FILING
DATE *March 2, 1984*
BY *John P. Gargak*
Administrative Services

retain the perception of a lower density zone than is legally permitted and further protect its unique character. Additionally, the spirit and intent of the BCZR would be complied with.

The Petitioners seek relief from Sections 1802.3.C.1 and 303.1, pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement Petitioners seek relief from here would unduly restrict the use of the land to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

ORDER RECEIVED FOR FILING
DATE *March 2, 1984*
BY *John P. Gargak*
Administrative Services

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this *2nd* day of March, 1984, that the Petition for Variances to permit side yard setbacks of 11 feet instead of the required 25 feet and an average front yard setback of 27 feet instead of the required 33.5 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Charles E. Kountz
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE *March 2, 1984*
BY *John P. Gargak*
Administrative Services

March 2, 1984

Charles E. Kountz, Esquire
2201 Hammonds Ferry Road
Baltimore, Maryland 21227

IN RE: Petition Zoning Variances
N/S of Tulip Avenue, 470.37' W
of the centerline of Century
Avenue (2620 Tulip Avenue) -
13th Election District
Craig S. Carroll, et ux,
Petitioners
Case No. 84-209-A

Dear Mr. Kountz:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

Arnold Jablon
ARNOLD JABLON,
Zoning Commissioner

AJ/srl

Attachments

cc: People's Counsel

January 2, 1984

Charles E. Kountz, Esquire
2201 Hammonds Ferry Road
Baltimore, Maryland 21227

NOTICE OF HEARING

Re: Petition for Variances
N/S Tulip Avenue, 470.37 ft. West of the
c/1 of Century Avenue (2620 Tulip Avenue)
Craig S. Carroll, et ux - Petitioners
Case No. 84-209-A

TIME: 10:30 A.M.

DATE: Monday, February 27, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

cc: W. T. Sadler - Surveyors
577 Main Street
Reisterstown, Maryland 21136

Charles E. Kountz
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND		No. 121979	
OFFICE OF FINANCE-REVENUE DIVISION			
MISCELLANEOUS CASH RECEIPT			
DATE: 12/2/83	ACCOUNT: R41-613-000		
		AMOUNT: 435.00	
RECEIVED BY: Charles Kountz			
FROM: Variance Request			
FOR: Carroll			
		6 103*****356010 POSA	
VALIDATION OR SIGNATURE OF CASHIER			

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

vs.

Defendant

CERTIFICATE OF PUBLICATION OF

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 126874

Self
JL JABLON
& Commission

DATE 2/28/84 ACCOUNT R-01-615-000

AMOUNT \$39.20

RECEIVED Patricia A. Carroll
FROM Advertising & Posting Case #84-209-A
FOR _____

1/28/84

C U50*****392U6 6266A

VALIDATION OR SIGNATURE OF CASHIER _____



BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Norman E. Gerber, Director
Office of Planning and Zoning


Charles E. Kounts, Esquire
2201 Hammonds Ferry Road
Baltimore, Md. 21227

W. T. Sadler
507 Main Street
Reisterstown, Md. 21136

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

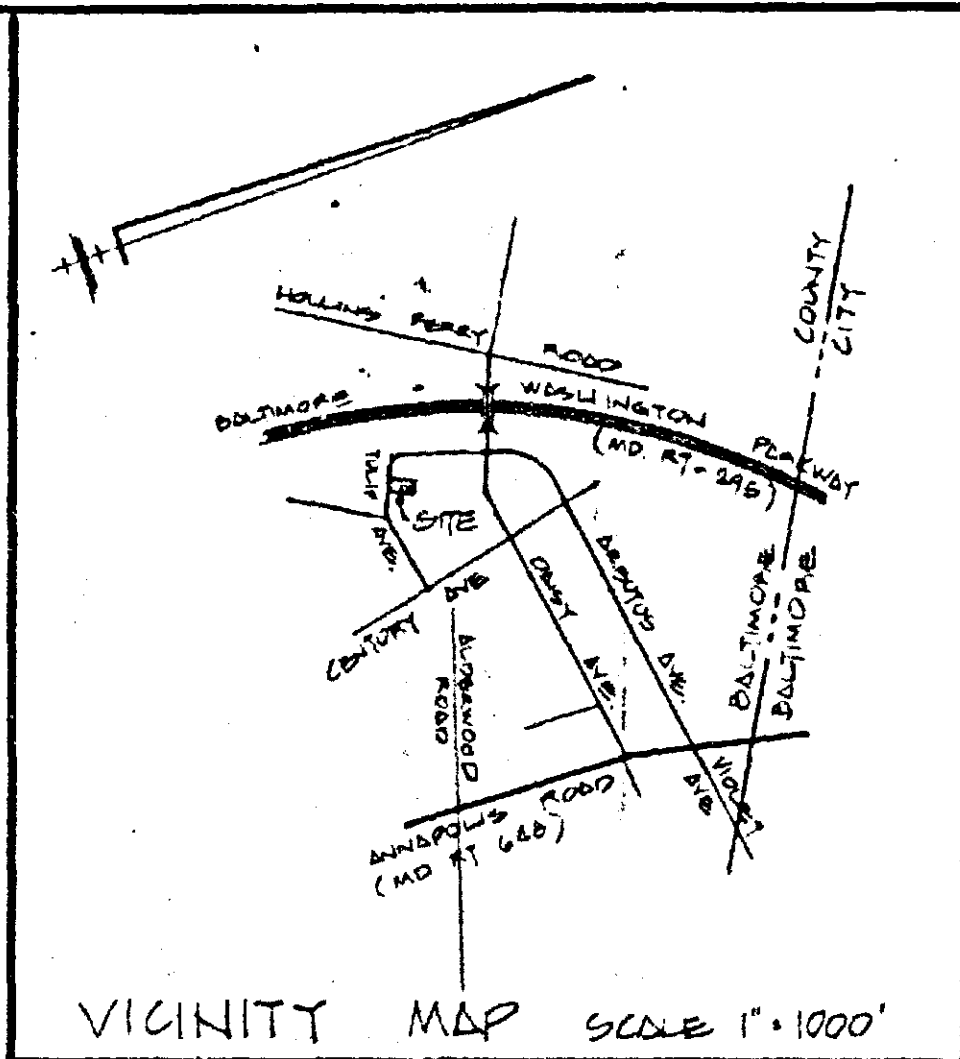
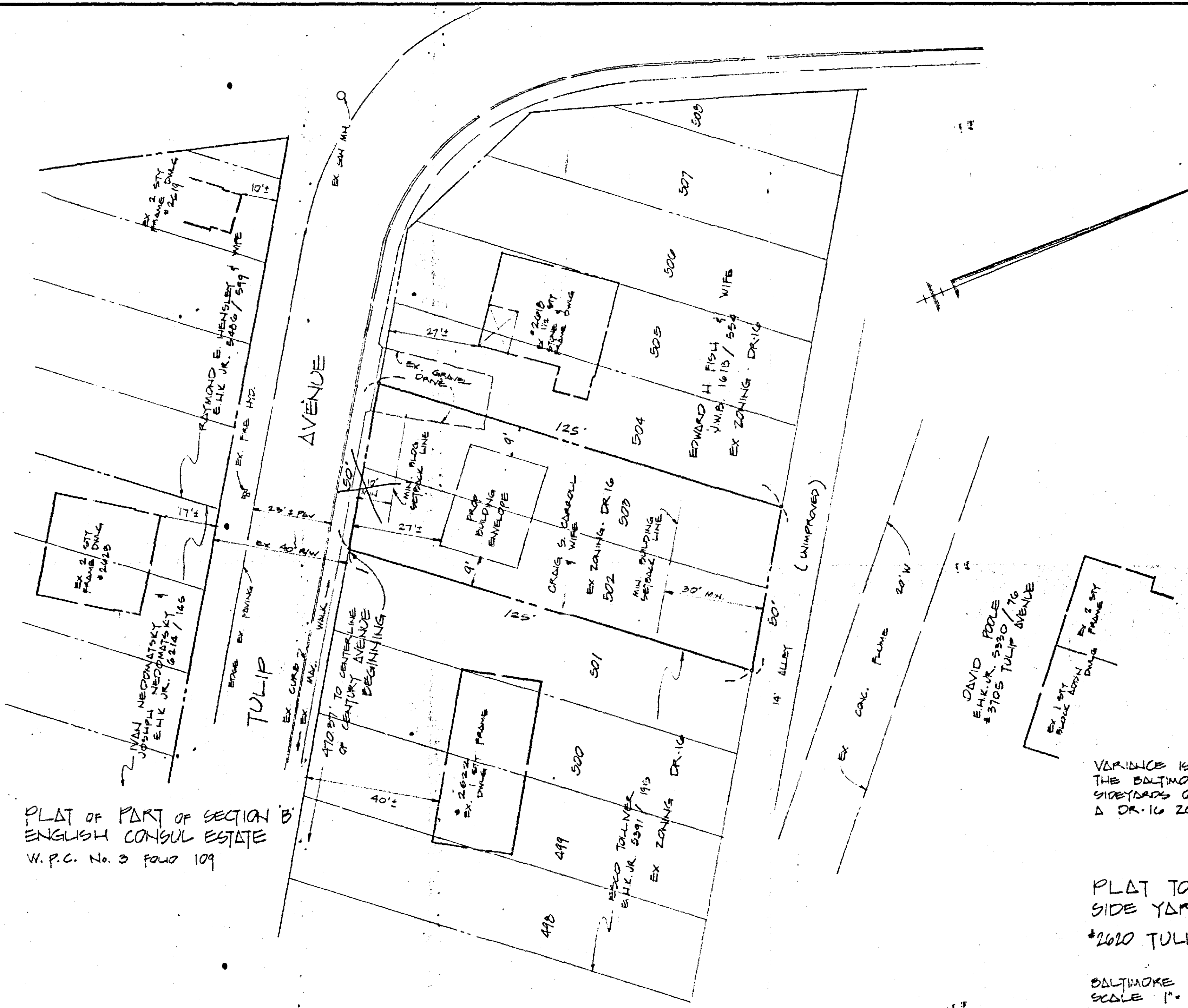
Your petition has been received and accepted for filing this
30th day of January, 1984.


ARNOLD JASLON
Zoning Commissioner

Petitioner Craig S. Carroll, et ux Received by Nicholas B. Commodari
Petitioner's Attorney Charles E. Kounts, Esquire
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

District 13th Date of Posting 2-18-84
 Posted for: Variances
 Petitioner: Craig A. Carroll et ux
 Location of property: N/S of Tulip Ave. 470.37 W of the C/P of
Century Ave. (2120 Tulip Ave.)
 Location of Sign: N/S of Tulip Ave. approx. 500' W of the
C/P of Century Ave. in front of 2620
 Remarks:
 Posted by: N.J. Antk Signature Date of return: 2-17-84
 Number of Signs:

PETITION MAPPING PROGRESS SHEET										
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>DI</u>					Revised Plans: Change in outline or description <u>Yes</u> <u>No</u>					
Previous case: <u>76-222 A</u>					Map # <u> </u>					



- NOTES:
- 1) EX. ZONING: DR-1G
 - 2) WATER & SEWER AVAILABLE IN TULIP AVENUE

PETITIONER'S

VARIANCE IS REQUESTED TO SECTION 1502.3.6.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT SIDEYARDS OF 9' IN LIEU OF THE REQUIRED 25' IN A DR-1G ZONE

PLAT TO ACCOMPANY PETITION FOR SIDE YARD VARIANCES
 #2620 TULIP AVENUE

BALTIMORE COUNTY, MD 13th ELECTION DISTRICT
 SCALE 1" = 20' DATE: NOV. 1983



William T. Sadler
 WILLIAM T. SADLER
 REG No 7730

PREPARED BY:
 W.T. SADLER
 SURVEYORS
 507 MAIN STREET
 REISTERSTOWN, MD 21136
 PHONE: (301) 524-5610

OWNER / APPLICANT
 MR. & MRS. CRAIG S. CARROLL
 63 CADAM COURT
 APT. C-4
 GLEN BURNIE, MD 21061
 DEED REFERENCE: E.H.K. JR. 6580/309

